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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,031	02/02/2005	Daniel Shane O'Sullivan	4403-40000US6	8713

27123 7590 01/18/2008
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EXAMINER	
FAHERTY, COREY S	
ART UNIT	**PAPER NUMBER**
2183	

NOTIFICATION DATE	DELIVERY MODE
01/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
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mN

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/523,031	**Applicant(s)** O'SULLIVAN, DANIEL SHANE	
	Examiner Corey S. Faherty	**Art Unit** 2183	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on ___. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: ___. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): ___.
6. ☐ Newly proposed or amended claim(s) ___ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: ___.
   Claim(s) objected to: ___.
   Claim(s) rejected: ___.
   Claim(s) withdrawn from consideration: ___.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: ___.

As noted by applicant, the final office action dated 09/19/2007 contains a typographical error at paragraph 24. As stated in paragraphs 12 and 13 of that office action, the obviousness rejections of paragraphs 25-27 are made under 35 U.S.C. 103(a) and not under 35 U.S.C. 102(e) as stated in paragraph 24. The rejections under 35 U.S.C. 102(e) are therefore withdrawn and the rejections under 35 U.S.C. 103(a) are maintained.

Applicant has provided support for all newly claimed subject matter. The 35 U.S.C. 112, first paragraph rejections made in the final office action dated 09/19/2007 are therefore withdrawn.

The request for consideration does not place the claims in condition for allowance because the arguments presented by applicant are not persuasive.

Applicant argues that paragraph [0055] of the specification makes abundantly clear what is meant by a "type" of a resource. However, the examiner finds no explicit and deliberate definition (or any description at all) of what is meant by the claim term "type" in that paragraph and therefore maintains the position that applicant is using an inappropriately broad interpretation of that term. To overcome the currently cited art, further definition of what is meant by "type" should be explicitly stated in the claim.

Applicant further disagrees with the examiner's assertion that a person of ordinary skill in the art will recognize the obviousness of completing the instruction-delegation method disclosed in Butterworth in a single clock cycle. The examiner's position is that a person of ordinary skill in the art will recognize three typical methods for completing an operation such as that taught by Butterworth: using a combinational technique, using a sequential technique, and using a combination of combinational and sequential techniques. There are different advantages and disadvantages to using each of these three techniques and, depending on the needs of the system, any of them may be obvious to use. For instance, in a system that requires a low operation latency, it is advantageous to use a combinational technique, allowing the operation to complete in a single cycle and removing any overhead latency that might be caused by using a sequential technique. A person having ordinary skill in the art would likewise recognize the similar potential benefits of completing the operation taught by Butterworth in a single clock cycle (such as a reduction in operation latency). The argument is therefore not persuasive.

Applicant further argues that the "integer processing unit," "mathematical processing unit" and "vector processing unit" of the claims include limitations found in the specification. However, the examiner cannot read explicit limitations from the specification into the claim language unless a clear and explicit definition of a claim term is given. Because no such definition is offered, the examiner must not read specific limitations into the claim language. If such further definition of these processing units is part of the invention, then the claims should be amended to includes those further definitions.

The positions of the office regarding the remainder of applicant's arguments have been presented in the rejections and arguments of the previous actions.

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